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STATE OF DELAWARE
BOARD OF MASSAGE AND BODYWORK

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PUBLIC MEETING MINUTES: Board of Massage and Bodywork
MEETING DATE AND TIME: Thursday, January 16, 2014 at 1:30 p.m.
PLACE: 861 Silver Lake Boulevard, Dover, Delaware
Conference Room B, second floor Cannon Building
MINUTES APPROVED: February 20, 2014

MEMBERS PRESENT

Holly Overmyer, Professional Member, President
Sandra Jachimowski, Professional Member, Vice-President
Gordon Gelley, Public Member
Patricia Schumann-Draper, Professional Member
Sharon Harris, Public Member, Secretary
Rachel Dunning, Public Member

MEMBERS ABSENT

Kari Ainsworth, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Maggie Strauss, Administrative Specialist II
Jeff Ford, Investigative Supervisor
Kay Warren, Deputy Director

OTHERS PRESENT

Gilda Bynum
Richard Kauffman
Darren L. Jenkins

CALL TO ORDER

Ms. Overmyer called the meeting to order at 1:43 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes from the November 21, 2013 meeting. A motion was made by Mr. Gelley, second by Ms. Harris, to approve the minutes as presented. The motion unanimously carried.

UNFINISHED BUSINESS

Proposal to Deny Hearing – Gilda Bynum

Ms. Kelly called the hearing to order at 1:45 p.m. and stated that today's hearing was a result of the Board's proposal to deny the Certified Massage Technician application of Gilda Bynum. Ms. Kelly marked as Board Exhibit #1, a packet of documents for licensure including Ms. Bynum's application, criminal background and supporting documents.

Ms. Bynum was sworn in and agreed to proceed without legal counsel. She testified that the charges that resulted in this hearing were more than 5 years old, and at the time she was living with her sister and felt she owed her the favor to go along on the car ride. Ms. Bynum stated she now realizes it was a mistake because even though she was an accessory to the crime, she was charged and convicted because she knew what was being transported. Since then, she has completed school to become a massage therapist to better herself and the lives of her children. Ms. Bynum said she served a sentence as a result of the charges, but is not currently on probation.

Ms. Bynum called her witness, Mr. Kauffman, a friend she became acquainted with through church. Mr. Kauffman was sworn in. Ms. Kauffman testified that Ms. Bynum is a friendly, responsible young person. She is active in her church, children's school, and community. He highly recommends her to anyone for any position.

Ms. Bynum respectfully asks the Board for the opportunity to work in the profession of massage; she has learned her lesson and no longer does things without thinking them all the way through, and thinking about the consequences.

Board goes into deliberations at 1:59pm. Mr. Gelley points out that the charges were over 5 years old and that he does not see reason to deny licensure.

A motion was made by Ms. Harris, second by Mr. Gelley, to grant Ms. Bynum a waiver and to approve her Certified Massage Technician license. The motion was unanimously carried. Verbatim testimony was audio recorded.

Proposal to Deny Hearing – Darren Jenkins

Ms. Kelly called the hearing to order at 2:01 p.m. and stated that today's hearing was a result of the Board's proposal to deny the Licensed Massage Therapist application of Darren Jenkins. Ms. Kelly marked as Board Exhibit #1, a packet of documents for licensure including Mr. Jenkins's application, criminal background and supporting documents. Ms. Kelly marked as Respondent Exhibit #1 multiple letters of character reference submitted by Mr. Jenkins.

Mr. Jenkins was sworn in and agreed to proceed without legal counsel. He testified that the charges that resulted in this hearing were a product of his youth and early 20's. He admitted to his past, and realizes he cannot take it back, can only proceed from there. Mr. Jenkins went on to state that he graduated in 2008 and is now an instructor at The Harris School. He also has a pending application to practice Massage Therapy in the state of New Jersey where he owns a business.

Mr. Jenkins respectfully asked the Board for the opportunity to work in the profession of massage; he enjoys the people in the state of Delaware and wants to work here.

Board goes into deliberations at 2:21pm. Mr. Gelley points out that the charges were over 5 years old and that he does not see reason to deny licensure.

A motion was made by Ms. Dunning, second by Mr. Gelley, to grant Mr. Jenkins a waiver and to approve his Licensed Massage Therapist license. The motion was unanimously carried. Verbatim testimony was audio recorded.

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Ms. Harris, second by Mr. Gelley, to approve the ratification of the Massage Technician applications of: Kristen A. Jacobs, Amy J. Blottenberger, Julia M. Armiger, Alicia M. Sanders, Creola T. Jones, Bridget Miller, Derek D. Thomas, Jameel R. Banks, Stephanie L. Younce, and Tyler J. Camp. The motion was unanimously carried.

Ratification of License Massage Therapists

A motion was made by Mr. Gelley, second by Ms. Dunning, to approve the ratification of the Massage Therapist Certifications of: Thomas D. Gibson, Rita L. Biddle-Slater, Jamie L. Setley, Melissa E. Kirk, Jay M. Drobrzynski, Steven T. Page, Patricia A. Kelly, Stacy L. Ford, Marlene F. Hudson, JoLynn N. Nicolaides, Soul Castellanos, Ashley N. Griffin, Anna M. McKay, Elizabeth A. Hutchins. The motion was unanimously carried.

Continuing Education

A motion was made by Mr. Gelley, second by Ms. Harris, to approve the continuing education name change request of Advanced Education System to The Institute of Massage & Healing Arts, as well as the change of course names as requested. The motion was unanimously carried.

Review of Applications for Final Denial

A re-review of the application for Xia Liu found that Ms. Liu did not respond to the Boards proposal to deny her application. No response was received, and no hearing was requested. Therefore, a motion was made by Ms. Harris, second by Mr. Gelley to deny the application for a Licensed Massage Therapist license.

A re-review of the application Amy Bautista found that Ms. Bautista did not respond to the Boards proposal to deny her application. No response was received, and no hearing was requested. Therefore a motion was made by Ms. Harris, second by Mr. Gelley to deny the application for a Certified Massage Technician. The motion was unanimously carried.

Review of Licensure – Status Change

A review of the request of Meredith Winton to reactive her LMT license found her to be deficient 3 core CE credits. A motion was made by Ms. Harris, second by Mr. Gelley to approve her request contingent upon the successful completion and submission of these credits. The motion was unanimously carried.

Complaint Status

20-09-10-Assigned to Hearing Officer
20-13-10-Office of the Attorney General
20-14-10-Assigned
20-16-10-Assigned
20-02-11-Office of the Attorney General
20-03-11-Office of the Attorney General
20-04-11-Assigned to Hearing Officer
20-05-11-Assigned to Hearing Officer

20-08-11-Office of the Attorney General
20-01-12-Assigned
20-02-12-Office of the Attorney General
20-03-12-Office of the Attorney General
20-07-12-Assigned
20-08-12-Office of the Attorney General
20-09-12-Office of the Attorney General
20-10-12-Assigned
20-11-13-Office of the Attorney General
20-12-13-Office of the Attorney General
20-13-13-Office of the Attorney General
20-14-13-Office of Attorney General
20-16-13-Assigned
20-17-13- Office of the Attorney General
20-18-13- Office of the Attorney General
20-19-13- Office of the Attorney General
20-20-13-Assigned
20-21-13 – Assigned
20-22-13 – Office of the Attorney General
20-23-13 - Assigned

Review of Applications-Eileen Kelly

A motion was made by Ms. Harris, second by Mr. Gelley, to approve the Massage Technician applications of Deniece D. Fedalen and TeShanna E. Hanley and the Massage Therapist applications of Kenneth Barnes, Meghan P. Pursell, Huai F. Xu, and Qiang Zhang . The motion was unanimously carried.

A motion was made by Ms. Harris, second by Mr. Gelley to table the Massage Technician application of Mirlourdes Beliard pending receipt of disposition of charges on her criminal history report. The motion was unanimously carried.

Audit Review

A motion was made by Ms. Harris, second by Mr. Gelley to approve the continuing education submission of Dawn J. Stuckey. The motion was unanimously carried.

Applications for Board Review

After review of the CMT application for Yanxia Wang, a motion was made by Ms. Harris, second by Mr. Gelley to propose to deny the application based on the submission of potentially fraudulent information with her application. The motion was unanimously carried.

After review of the transcripts submitted with the application for Tonya Davis, a motion was made by Mr. Gelley, second by Ms. Dunning to approve her license as an LMT. The motion was unanimously carried.

Licensure of Establishments

A motion was made by Ms. Overmeyer, second by Ms. Jachimowski to form a subcommittee to consider the changing of rules associated with the licensure of establishments. The motion was unanimously carried.

Education Standards

Ms. Jachimowski made a motion, second by Ms. Overmeyer to continue the topic on the next month's meeting agenda and to form a subcommittee to focus solely on these two topics. The motion was unanimously carried.

New CPR Certificate Review

Ms. Strauss brought to the Boards attention an example of the new CPR certificate provided by the American Red Cross. The certificates are now provided in digital form, and can be printed out by the applicant for submission with their application. The applicant also has the option to receive a wallet card (as was previously issued) upon request. The Board reviewed the certificate and deemed it to be an acceptable form of certification.

Review of Proposed Changes to Rules & Regulations

Ms. Kelley reviews with the Board the proposed rules & regulations changes for the Boards consideration. Changes in expired licenses, continuing education, and reciprocity will need to be changed to reflect current laws.

CORRESPONDENCE

N/A

OTHER BUSINESS (for discussion only)

Mr. Ford explained to the Board how the investigative process works for each type of complaint filed at the Division.

PUBLIC COMMENT

Ms. Warren stated that she was leaving at the end of January and wanted to thank the Board for all of their hard work during her tenure here.

NEXT SCHEDULED MEETING

The next meeting is scheduled for February 20, 2014 at 1:30 p.m.

ADJOURNMENT

There being no further business, a motion was made by Mr. Gelley, seconded by Ms. Dunning, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 3:37p.

Respectfully submitted,



Maggie Strauss
Administrative Specialist II